

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

J.P. MORGAN SECURITIES LLC, WAMU
CAPITAL CORP., DAVID M. DUZYK, JOSEPH T.
JURKOWSKI, LOUIS SCHIOPPO, JR., WILLIAM
A. KING, THOMAS F. MARANO, MICHAEL B.
NIERENBERG, JEFFREY L. VERSCHLEISER,
DAVID BECK, DIANE NOVAK, SAMUEL L.
MOLINARO, JR., MATTHEW E. PERKINS,
JEFFREY MAYER, DEUTSCHE BANK
SECURITIES INC., ANILESH AHUJA, MICHAEL
COMMAROTO, RICHARD D'ALBERT, RICHARD
FERGUSON, RBS SECURITIES INC., JOSEPH N.
WALSH III, ROBERT J. MCGINNIS, CAROL P.
MATHIS, JAMES M. ESPOSITO, CREDIT SUISSE
SECURITIES (USA) LLC, JEFFREY A. ALTABEF,
MERRILL LYNCH, PIERCE, FENNER & SMITH
INC., BANC OF AMERICA SECURITIES LLC,
GEORGE G. ELLISON AND MARK I. RYAN,

Movants,

v.

THERESA INGE (f/k/a Theresa Nickerson),

Respondent.

No. 4:14-mc-00597

(Captions for the underlying actions,
pending in the United States District Court
for the District of Massachusetts, are set
forth below)

**MOTION TO COMPEL
NON-PARTY THERESA INGE (F/K/A THERESA NICKERSON)
TO COMPLY WITH A PROPERLY SERVED DEPOSITION SUBPOENA**

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

RESIDENTIAL FUNDING COMPANY, LLC (F/K/A
RESIDENTIAL FUNDING CORPORATION), et al.,

Defendants.

Civil Action No. 3:11-30035-MGM

MASSACHUSETTS MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

DB STRUCTURED PRODUCTS, INC., et al.,

Defendants.

Civil Action No. 3:11-30039- MGM

MASSACHUSETTS MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

RBS FINANCIAL PRODUCTS INC. (F/K/A
GREENWICH CAPITAL FINANCIAL PRODUCTS,
INC.), et al.,

Defendants.

Civil Action No. 3:11-30044- MGM

MASSACHUSETTS MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

DLJ MORTGAGE CAPITAL, INC., et al.,

Defendants.

Civil Action No. 3:11-30047- MGM

MASSACHUSETTS MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

CREDIT SUISSE FIRST BOSTON SECURITIES
CORP., et al.,

Defendants.

Civil Action No. 3:11-30048- MGM

MASSACHUSETTS MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

J.P. MORGAN SECURITIES LLC, et al.,

Defendants.

Civil Action No. 3:11-30094- MGM

MASSACHUSETTS MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

GOLDMAN SACHS MORTGAGE COMPANY,
et al.,

Defendants.

Civil Action No. 3:11-30126- MGM

MASSACHUSETTS MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

IMPAC FUNDING CORP., et al.,

Defendants.

Civil Action No. 3:11-30127- MGM

MASSACHUSETTS MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

COUNTRYWIDE FINANCIAL CORPORATION,
et al.,

Defendants.

Civil Action No. 3:11-30215- MGM

MASSACHUSETTS MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

MERRILL LYNCH, PIERCE, FENNER & SMITH
INC., et al.,

Defendants.

Civil Action No. 3:11-30285- MGM

The undersigned Defendants in the ten underlying actions, which are pending in the U.S. District Court for the District of Massachusetts, respectfully move the Court, pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, for an order compelling Theresa Inge (f/k/a Theresa Nickerson) to comply with the deposition subpoena that was properly served on her by Defendants on June 20, 2014. Ms. Inge lives in O'Fallon, Missouri.

This Motion should be granted because, as explained more fully in the accompanying Memorandum of Law in Support of this Motion and the Declaration of Vanessa A. Lavelly, Ms. Inge prematurely left her June 30, 2014 deposition, without seeking judicial relief, before Defendants had an opportunity to cross-examine her. Defendants subsequently made numerous attempts to contact Ms. Inge to resume her deposition, but those efforts were unsuccessful. Specifically, Defendants left Ms. Inge two telephone messages (on July 28, 2014 and August 4, 2014) and sent her a letter (on August 13, 2014), and a process server attempted unsuccessfully to serve her with a new deposition subpoena eleven times, between August 22 and August 27, 2014. Defendants have not received any response from Ms. Inge.

Accordingly, Defendants seek an order compelling Ms. Inge to appear for the remaining three hours of her deposition and answer the questions asked on December 2, 2014, at noon Central time, at LifeWorks Business Center, 1001 Boardwalk Springs Place, O'Fallon, Missouri, or at such date, time and place as is ordered by the Court.

Massachusetts Mutual Life Insurance Company, Plaintiff in the underlying actions, does not oppose the requested relief. A proposed order is also submitted herewith.

Dated: October 24, 2014

Respectfully Submitted,

/s/ Daniel Slifkin

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CERTIFICATION OF SERVICE

I hereby certify that copies of the foregoing Motion to Compel will be served upon the following by first-class mail and Federal Express on this 24th day of October, 2014:

Theresa Nickerson Inge
2024 Crimson Meadows Drive
O'Fallon, MO 63366

Respondent

I hereby further certify that copies of the foregoing will be served upon the following by first-class mail and electronic mail on this 24th day of October, 2014:

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/s/ Daniel Slifkin

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